

July 02, 2010

CLERK, U.S. BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA



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6 Attorneys for Plaintiffs
CHARLES CLABORN, STEVE ESPINOZA, HELEN
7 GARDNER, and RIVERPARK ASSOCIATES, LLC

8 UNITED STATES BANKRUPTCY COURT

9 EASTERN DISTRICT OF CALIFORNIA

10 Fresno Division

11 In Re

Case No. 09-13200-B-7

12 WADE ALAN HANSON and
GAIL JUDITH HANSON

13 Debtor.

14
15 CHARLES CLABORN, STEVE ESPINOZA,
HELEN GARDNER and RIVERPARK
16 ASSOCIATES, LLC,

Adversary Proceeding # 09-01139-B

Docket Control #HAR-1

17 Plaintiffs,

18 v.

19 WADE ALAN HANSON,

20 Defendant.

21 **JUDGMENT**

22
23 The Court issued an Order Granting Plaintiffs' Motion for Summary Judgment and
24 its findings of facts and conclusion of law required by FRBP 7052 holding that the pre-petition
25 judgment against Defendant WADE ALAN HANSON, in Fresno Superior Court Case No. 08
26 CECG 03346 DRF, is non-dischargeable,

27 **NOW THEREFORE IT IS ORDERED, ADJUDGED AND DECREED AS**
28 **FOLLOWS:**

MCCORMICK, BARSTOW,
SHEPPARD WAYTE &

RECEIVED

July 01, 2010

CLERK, U.S. BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA
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JUDGMENT

1 1. The judgment of Plaintiffs CHARLES CLABORN, STEVE ESPINOZA,
2 RIVERPARK ASSOCIATES, LLC, and HELEN GARDNER (hereinafter collectively
3 "Plaintiffs") and against Defendant WADE HANSON, entered on December 11, 2008, in
4 Superior Court Case No. 08 CECG 03346 DRF, attached hereto as Exhibit A, ("State Court
5 Judgment") is hereby determined to be a non-dischargeable judgment. Plaintiffs may take any
6 and all action available under State law to collect on the State Court Judgment provided*

7 2. That Plaintiffs are awarded fees and costs associated with the above-
8 captioned action, which fees and costs shall be added to and become part of the State Court
9 Judgment.

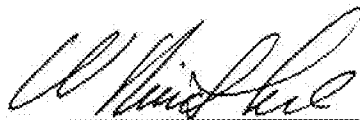
10 Submitted by:

11 

12 _____
13 Hilton A. Ryder
14 Attorneys for CHARLES CLABORN,
15 STEVE ESPINOZA, HELEN GARDNER, and
16 RIVERPARK ASSOCIATES, LLC

17 the Plaintiffs may file a proof of claim, but may not otherwise
18 attempt to enforce their state court judgment against property
19 of the bankruptcy estate or interfere with the Trustees's power
20 and duty to administer the estate.

21 Dated: July 02, 2010

22 

23 _____
24 W. Richard Lee
25 United States Bankruptcy Judge

26
27 25010/00000-1582152.v1
28

1 Victoria R. Allard-Bernhardt
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(SPACE BELOW FOR FILING STAMP ONLY)

FILED

DEC 11 2008

FRESNO COUNTY SUPERIOR COURT

By _____ MMD - DEPUTY

Attorneys for Petitioners
 CHARLES CLABORN, STEVE ESPINOZA, and
 HELEN GARDNER

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF FRESNO

11 CHARLES CLABORN, STEVE
 12 ESPINOZA, and HELEN GARDNER,

Case No. 08CECG03346 DRF

JUDGMENT ON ARBITRATION AWARD

Petitioners,

Date: December 2, 2008

Time: 3:30 p.m.

Dept.: 97D

v.

WADE HANSON and GAYLE HANSON,

Respondents.

17 The motion of Petitioners/Plaintiffs, CHARLES CLABORN, STEVE ESPINOZA, and
 18 HELEN GARDNER, for an order confirming the Interim Arbitration Award dated July 3, 2008
 19 and Final Arbitration Award dated September 12, 2008, came on regularly for hearing before the
 20 undersigned on December 2 2008, upon notice duly and regularly given. Petitioners/Plaintiffs
 21 appeared by Victoria R. Allard-Bernhardt, their counsel, and Defendants/Respondents appeared
 22 by David M. Gilmore, their counsel. Evidence both oral and documentary was introduced and the
 23 matter was argued and submitted. Good cause appearing therefore,

NOW THEREFORE IT IS ORDERED, ADJUDGED AND DECREED AS FOLLOWS:

25 1. Petitioners/Plaintiffs, CHARLES CLABORN, STEVE ESPINOZA, and HELEN
 26 GARDNER, and Respondents/Defendants, WADE HANSON and GAYLE HANSON, entered
 27 into a written agreement to arbitrate all matters, claims, causes of actions, liability and damages
 28 issues, arising out of the disputes which have arisen over the management, control and operations

1 of Riverpark Associates, LLC, and submit to a binding arbitration as to all issues, causes of
2 actions, claims and damages of all forms, arising out of the formation, management, control and
3 operations of Riverpark Associates, LLC, pursuant to Paragraph 11.2, of the Operating
4 Agreement for Riverpark Associates, LLC.

5 2. On about May 13, 14, 19, 22, 2008, and June 14, 2008, and September 11, 2008,
6 the arbitrator conducted hearings wherein witnesses were called and evidence was presented by
7 Petitioners and Respondents.

8 3. That on July 7, 2008, the arbitrator rendered his Interim Arbitration Award,
9 finding in favor of Petitioners and Riverpark Associates LLC.

10 4. That on September 12, 2008, the arbitrator rendered his Final Arbitration Award,
11 finding in favor of Petitioners and Riverpark Associates LLC.

12 5. That proper evidence having been submitted, the awards of the arbitrator dated
13 July 3, 2008, and September 12, 2008, be and the same are hereby confirmed and Judgment is
14 ordered to be entered as follows:

15 In favor of CHARLES CLABORN and against WADE HANSON as follows:

16	DAMAGES:	\$22,000.00
17	PRE ARBITRATION AWARD INTEREST:	\$ 4,612.46
18	POST-ARBITRATION INTEREST (10% 9/12/08-12/2/08)	\$ 590.57
	<u>TOTAL</u>	\$27,203.03

19 The amount awarded herein shall bear interest at the legal rate of 10% per annum from the
20 date hereon.

21 In favor of CHARLES CLABORN, STEVE ESPINOZA AND HELEN GARDNER and
22 against WADE HANSON as follows:

23	DAMAGES (ATTORNEY FEES & COSTS)	\$82,084.50
24	POST-ARBITRATION ATTORNEY FEES & COSTS	\$ 2,280.00 \$1,080.00 (DF)
25	POST-ARBITRATION INTEREST (10% 9/12-12/2/08)	\$ 1,872.19
26	<u>TOTAL</u>	\$86,236.69 \$85,030.69 69

27 The amount awarded herein shall bear interest at the legal rate of 10% per annum from the
28 date hereon.

1 In favor of RIVERPARK ASSOCIATES LLC and against WADE HANSON as follows:

2 DAMAGES:	\$233,309.92
3 PUNITIVE DAMAGES	\$125,000.00
4 PRE ARBITRATION AWARD INTEREST:	\$ 2,492.81
POST-ARBITRATION INTEREST (10% 9/12-10/23/08)	\$ 8,006.85
5 TOTAL	\$368,809.58

6 The amount awarded herein shall bear interest at the legal rate of 10% per annum from the
7 date hereon.

8 Dated: 12-11-08, 2008

DONALD R. FRANSON JR.
JUDGE OF THE SUPERIOR COURT

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